



UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

Paul R. Warren
Clerk of Court

A handwritten signature of Paul R. Warren, the Clerk of Court, is written over the printed name.

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NOTICE CONCERNING NEW BANKRUPTCY RULES, AMENDMENTS TO BANKRUPTCY
RULES, AND REPEAL OF INTERIM BANKRUPTCY RULES,
EFFECTIVE DECEMBER 1, 2008

No. 08-03

November 7, 2008

NEW BANKRUPTCY RULES:

Bankruptcy Rule 2015.3 (Reports of Financial Information on Entities in Which a Chapter 11 Estate Holds a Controlling or Substantial Interest): requires debtors (or trustee if one has been appointed) to file periodic reports regarding value and profitability of any entity in which the debtor has a substantial or controlling interest.

Bankruptcy Rule 5008 (Notice Regarding Presumption of Abuse in Chapter 7 Cases of Individual Debtors): requires clerks to give written notice to all creditors not later than 10 days after the filing of the petition that a presumption of abuse has arisen.

Bankruptcy Rule 6011 (Disposal of Patient Records in Health Care Business Case): requires trustee to notify patients before destroying their medical records.

AMENDED BANKRUPTCY RULES:

Bankruptcy Rule 1005 (Caption of Petition): requires disclosure of all names or aliases used by the debtor in the past eight years, and to require the disclosure of the last four digits of an individual debtor's taxpayer identification number.

Bankruptcy Rule 1015 (Consolidation or Joint Administration of Cases Pending in Same Court) is amended to conform to the change in the numbering of § 522(b) of the Code that was made as a part of the 2005 amendments.

Bankruptcy Rule 5001 (Courts and Clerk's Offices) is amended to permit bankruptcy judges to hold hearings outside of the district in which the case is pending to the extent that the court is authorized to take such action under the 2005 amendment to 28 U.S.C. § 152(c).

Bankruptcy Rules 7012 (Defenses and Objections – When and How Presented – By Pleading or Motion – Motion for Judgment on the Pleadings), 7022 (Interpleader), 7023.1 (Derivative Actions), and 9024 (Relief from Judgment or Order): the amendments to these rules are technical and are designed to conform to the changes made by the Civil Rules Restyling Project.

INTERIM BANKRUPTCY RULES TO BE REPEALED AND REPLACED BY PERMANENT NATIONAL RULES:

By Standing Order of the Bankruptcy Court, Western District of New York, dated October 1, 2008, the following Interim Bankruptcy Rules are repealed effective December 1, 2008, as they will be superseded on December 1, 2008, by the permanent new and amended Federal Rules of Bankruptcy Procedure:

Bankruptcy Rules 1006, 1007, 1009, 1010, 1011, 1015, 1017, 1019, 1020, 2002, 2003, 2007.1, 2015, 3002, 3003, 3016, 3017.1, 3019, 4002, 4003, 4004, 4006, 4007, 4008, 5003, 6004, 7022, 7023.1 and 8001.

NOTE: The Standing Order dated October 1, 2008, retains Interim Bankruptcy Rule 5012 until it is replaced by a permanent rule under the Federal Rules of Bankruptcy Procedure.

Additional information regarding these amendments may be found at www.uscourts.gov/rules. This notice is for informational purposes only. You should refer to the Federal Rules of Bankruptcy Procedure, Official Forms, and official comments for complete information and guidance.

PAUL R. WARREN
Clerk of Court